IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 246 OF 2006
IN
WRIT PETITION NO. 3916 OF 2006

Shri Mahesh Purushottam Sadekar] .. Appellant/ Petitioner

Versus

1. The Minister for Food, Civil Supplies & Consumer Protection, Govt. of Maharashtra & Ors.] .. Respondents

Mr. S.G. Kudale for the appellant.

Mr. C.R. Sonawane, AGP, for the respondents.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 26TH MARCH, 2007

P.C. :

. Heard Mr. S.G. Kudale at length. The order passed by the Single Judge of this Court on 22nd August, 2006 in Writ Petition No. 3916 of 2006 is under challenge. It appears that in 1994 when the kerosene licences were granted, licence was not granted to the petitioner and the petitioner, therefore, gave a notice of hunger strike. Taking cognizance of that, some temporary arrangement was made by the Tahsildar on the basis of telephonic message of the Collector, who was

equally instructed by the Minister in this respect. However, later on, the petitioner was directed to obtain a valid licence as per law. It appears that such licence was not obtained and, therefore, the quota which was temporarily granted has been withdrawn by the Tahsildar. The said order was challenged before the superior officers and ultimately before the State of Maharashtra which was confirmed. That was challenged before the Single Judge. The Single Judge also rejected the petition and, therefore, this LPA.

2. It is to be noted that it is a fact on record that the petitioner, though was granted temporary quota, that was not on the basis of any valid licence and he was supposed to obtain the valid licence which he has not obtained till today and, therefore, what we find is that the Single Judge is right in observing that unless the valid licence is obtained, the petitioner is not entitled to carry out sale or business of a scheduled commodity like kerosene.

3. We do not find any reason to interfere with the Single Judge’s order. LPA is hereby rejected.

[R.S. MOHITE, J.] **[S.B. MHASE, J.]**